

Important Points

- ⇒ A complaint must be sworn to, signed and notarized. The Commission will not accept anonymous complaints.
- ⇒ The complainant and the respondent will be notified by the Commission in writing at each step of the complaint process.
- ⇒ The respondent has 5 days to provide the Commission with a written response that must be notarized.
- ⇒ The Executive Director may dismiss a complaint without it going before the Commission if there is a lack of evidence of a violation.
- ⇒ A respondent may enter into a settlement agreement with the Commission at any time during the complaint process. Once the settlement agreement has been signed and the terms have been met, the proceedings will be terminated and the matter will be closed.
- ⇒ A respondent who wants to be represented by legal counsel must inform the Commission by sending a statement of designation of counsel (provided by the attorney). All communication will then be conducted solely with the counsel, unless otherwise authorized by the respondent.
- ⇒ If the Commission finds no Reason to Believe a violation has occurred, the complainant has the right to bring a civil action in Superior Court in accordance with A.R.S. § 16-957(C).
- ⇒ If the Commission finds Probable Cause to Believe a violation has occurred the respondent has the right to appeal the Commission's decision with the Office of Administrative Hearings (OAH).

The Commission frequently receives questions about how to file a complaint concerning possible violations of the Citizens Clean Elections Act or Commission rules. This brochure explains the process for both the complainant (the one who files the complaint) and the respondent (the one against whom the complaint is filed).

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Filing a Complaint

Any person may file a complaint if he or she believes a violation of the Citizens Clean Elections Act or Commission rules has occurred or is about to occur. The written complaint must be sworn to, signed, notarized.

A complaint must comply with the following requirements, or else it will be returned to the person filing the complaint:

- Provide the full name and address of the person filing the complaint (referred to as the “complainant”). No anonymous complaints will be accepted by the Commission.
- Contents of the complaint shall be sworn to and signed in the presence of a notary public and shall be notarized.
- Clearly identify each person, committee or group that is alleged to have committed the violation (referred to as the “respondent”).
- Clearly recite the facts showing specific violations under the Commission’s jurisdiction (citations to the law and rules are not necessary).
- Include any documentation supporting the allegations, if available.
- Differentiate between statements based on complainant’s personal knowledge and those based on information from others, i.e., rumors/hearsay. Statements not based on personal knowledge should include information that identifies the source of information.

If the complaint is compliant with the above requirements, the complainant will be notified, and the complaint will be assigned a Matter Under Review (MUR) number.



Respondent's Response

When a complaint has been filed, the Commission has 5 days to send a copy of the complaint to the respondent via certified mail. Upon receipt, the respondent has 5 business days to provide the Commission with a written response. The respondent’s response must be notarized. In the written response, the respondent may set forth reasons why the Commission should take no action and may provide the Commission with supporting evidence.

Executive Director’s Recommendation

After receiving the respondent’s response or after the expiration of the 5-day response period, the Executive Director will review the matter and will make a recommendation to the Commission whether or not there is Reason to Believe a violation has occurred. The Executive Director may dismiss a complaint before it goes before the Commission if there is no evidence of a violation.

If the Executive Director recommends that there is Reason to Believe a violation has occurred, the matter will be placed on the next Commission meeting agenda. Both the complainant and the respondent will be notified of the Executive Director’s recommendation.

Reason to Believe Finding

If the matter gets placed on the Commission meeting agenda, the Commission will review the complaint, the response and the Executive Director’s recommendation. If at least 3 Commissioners vote that there is a Reason to Believe a violation has occurred, the Commission shall serve the respondent with an Order Requiring Compliance within 14 days. During that time, the respondent may provide further explanation to the Commission, comply with the Order, or enter into a settlement agreement with the Commission.

If the Commission does not find Reason to Believe that a violation has occurred, the complaint shall be terminated and the complainant and the respondent shall be notified.

Probable Cause to Believe Finding

If the respondent has not complied with the Order Requiring Compliance within 14 days or has not entered into a settlement agreement with the Commission, the investigation of the complaint will continue. Investigation may include audits and examinations, subpoenas, and other methods of information gathering. The Executive Director will compose a written recommendation to the Commission on whether or not the Commission should find Probable Cause to Believe that a violation has occurred. The respondent shall be sent a copy of the Executive Director’s recommendation and has 5 days to provide a written response to the Commission. After reviewing the respondent’s response, if any, the Executive Director may withdraw his recommendation or may place the matter on the next Commission meeting agenda.

If the matter gets placed on the Commission meeting agenda, the Commission will review the complaint, the response, the Executive Director’s recommendation and any investigative materials. If the Commission finds that there is no Probable Cause to Believe a violation has occurred, the complaint shall be terminated and both the complainant and the respondent shall be notified.

If at least 3 Commissioners vote that there is Probable Cause to Believe a violation has occurred, the Commission may serve the respondent with an Order and assess civil penalties. The Respondent may pay the penalty, enter into a settlement agreement with the Commission, or appeal the matter to the Office of Administrative Hearings (OAH).

Office of Administrative Hearings

The respondent may appeal the Commission’s Order and civil penalties by requesting a hearing with OAH within 30 days of receipt of the Order. The Administrative Law Judge (ALJ) will issue a written recommendation which will be considered at the next Commission meeting. The Commission will review the ALJ’s recommendation and will vote to accept, reject or modify the recommendation.